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| 09/629,781 | 07/31/2000 | Gregory J. Wolff | 074451.P117 | 4872 |

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| EXAMINER |
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BAUTISTA, XIOMARA L

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2179

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 12/20/2006 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/629,781

Applicant(s)

WOLFF ET AL.

Examiner

X. L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-29,31-33,35,36 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-29,31-33,35,36,44-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 4-29, 31-33, 35, 36 and 44-47 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 4-12, 21, 24-29, 31-33, 35 and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Levy et al* (US 6,505,160 B1) and *Hesselink et al* (US 2005/0120082 A1).**

Claims 1, 21, 29, 35 and 44:

Levy discloses a system and method for linking audio and other multimedia data objects with metadata and actions via a communication network (computer, broadcast, wireless, etc). Levy teaches that media objects are transformed into active, connected objects via identifiers. Identifiers are extracted from the media

object and forwarded to a server; the server maps the identifier to an action or re-directs the request to one or more other servers; the server may respond with an option for the user to buy the link and control the resulting action for the object with the identifier (col. 1, lines 27-58; col. 2, lines 15-23, 38-43, 53-61). Levy discloses a system having a controller for selecting an identifier associated with a media object and send a request to play the media object identified by an identifier; the controller sends the request over a wireless communication media (network access); an appliance for receiving the request having the identifier from the controller, for retrieving the media object from a first server via a network connection when the media object is not stored in the appliance, and for playing the media object (col. 4, lines 20-67; col. 5, lines 1-12, 56-65; col. 6, lines 3-67; col. 7, lines 1-12; col. 10, lines 4-29, 58-67; col. 12, lines 37-67; col. 13, lines 1-28).

Levy does not teach that the media object is retrieved from a first server via a second network when the object is not stored in the appliance; Levy does not teach a controller and a first server that are synchronized on a predetermined time period to provide the controller with the identifiers for identifying each media object stored on the server. However, Hesselink discloses a system that allows quick and easy communication between users and remote network-enabled devices and that allows synchronization of files (abstract; p. 3, par. 0023, 0024). Hesselink teaches a network access appliance (p. 5, par. 0062) for receiving and playing a media object;

a controller (p. 12, par. 0121) for selecting media objects; a server for receiving requests of media objects and providing the controller with media objects having identifiers (p. 20, par. 0168); and a plurality of computing devices connected to multiple networks (fig. 15; p. 20, par. 0168, 0170). Hesselink teaches a system that provides access to media objects that may be selected to be played from a local storage device or a remote storage device (p. 14, par. 0135, 0136; p. 15, par. 0139; p. 17, par. 0152; p. 26, par. 0206, 0208). Hesselink teaches icons (having identifiers) representing media objects, which when selected by a user allow access to the media objects (p. 28, par. 0217, last 7 lines). Hesselink teaches media object being retrieved from a server via a second network when the object is not stored locally (p. 20, par. 0168, 0170). Hesselink teaches a system that is configured to perform synchronization of files (p. 26, par. 0210); the synchronization can be based on user preferences (p. 27, par. 0213, 0214, 0216). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Levy's media delivery system to include Hesselink's teaching of retrieving media objects from servers at multiple networks because users are provided with an interface that facilitates finding, retrieving and downloading desired media objects that are stored at either local or remote repositories; and it would have been further obvious to include the teaching of synchronizing the server with the controller computer to provide the controller with identifiers for identifying media objects because the user

can be provided with an updated play list having user selectable icons or graphical representations of media objects that identify music or videos or other media objects that are of interest to the user; the play list being continuously updated based on a profile having user preferences, which can be stored in the server; the controller having to be synchronized with the server for ensuring that the receiving device can recognize characters in the order in which the transmitting device sent them, and can know where the character ends and the next begins.

Claims 4-7:

See claim 1. Levy teaches synchronization to enable the first means to have identifiers associated with the media objects stored in the third means; first and second servers for storing the media object; an appliance for retrieving the media object from a second server when the media is not found in the first server (col. 3, lines 24-48; col. 4, lines 40-60, 62-67; col. 5, lines 1-13; col. 6, lines 29-50).

Claims 8-10, 12 and 33:

Levy explains that a licensing server may be programmed to download software players and new music offerings compatible with those players. The licensing server may provide software for decrypting, decoding, and playing electronically distributed music according to usage rules packaged with the electronically distributed music. Levy teaches that the linking of the MP3 file enables the content owner to market music and products that promote the sale of

audio objects in other formats, included formats protected with encryption (col. 6, lines 29-59).

Claim 11:

See claim 8. Levy teaches that in the event that a media object is not linked, the decoding and server processes can be programmed to enable the user to purchase a link for the object (col. 1, lines 55-58; col. 2, lines 53-61; col. 3, lines 15-21; col. 6, lines 60-67; col. 7, lines 1-12, 29-31).

Claim 24:

Levy teaches electronic transactions and payment information (col. 2, lines 62-67; col. 3, lines 1-23; col. 13, lines 49-67).

Claim 25:

Levy teaches a decoder that can be implemented in a software or hardware player, a tuner, etc. (col. 12, lines 37-41); a decoding device that communicates with a handheld device, which can be used for enabling a user to fetch information and make orders from music as the music is playing (col. 12, lines 42-45, 51-53). Levy teaches that the activation of the "fetch it" feature may be made on a handheld device that communicates with the decoding device in a tuner via a wireless connection (col. 12, lines 66-67; col. 13, lines 1-6). Levy explains that the features of the invention may be implemented in one or more device (remote control device, and a separate tuner with a decoder), or they may be integrated into a single device (col.

13, lines 23-28).

Claims 26 and 27:

Levy teaches capture devices. Levy explains that the decoding process may be implemented in a variety of devices or software that process media objects. These devices and software include programmable devices such as personal computers, personal digital assistants, personal stereos, tuners, televisions, etc. (col. 4, lines 25-32; col. 14, lines 34-40).

Claim 28:

Levy teaches audio and video objects (col. 10, lines 4-17).

Claim 31:

See claim 1. Levy teaches that a server may redirect a request when the object is not stored in it (col. 1, lines 41-55; col. 4, lines 40-67; col. 5, lines 1-12; col. 6, lines 43-51).

Claim 32:

Levy teaches access authorization and user ID for transactions (col. 2, lines 62-67; col. 3, lines 1-23; col. 13, lines 50-67; col. 14, lines 25-33).

Claim 45:

See claim 1. Levy teaches that a media objects and its identifier travel through electronic distribution, such as network communication (Internet), but does not teaches that the network includes a wide area network. However, Dom teaches

media object that can be selected for download (col. 6, lines 15-22; col. 8, lines 12-20). Dom teaches various computing devices (nodes) coupled to various networks including local area networks, wide area networks, etc. (col. 7, lines 22-32).

Claim 46:

See claim 1. Levy teaches a plurality of servers for retrieving identified media object (fig. 1; col. 5, lines 54-65; col. 6, lines 29-58).

Claim 47:

See claim 1. Levy teaches media objects having a tag (key), both being stored within the device (abstract; col. 4, lines 25-67; col. 5, lines 1-22). Levy teaches downloading content (col. 4, lines 49-61) and format protection with encryption (col. 6, lines 43-58).

4. **Claims 13, 14, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Levy/Hesselink* and *Dom et al* (6,166,735).**

Claims 13, 14, 15 and 22:

See claim 1. Hesselink teaches icons (identifiers) that can be selected by the user for playing or retrieving media objects (Hesselink: p. 28, par. 0217) but it does not teach that the visual representations are thumbnail images. However, Dom discloses a system for browsing video data objects provided from a remote repository over a network. Dom teaches that the invention facilitates user browsing of video

objects stored at remote repositories such as a remote network server and downloading of the object (col. 4, lines 58-63). Dom shows a group of thumbnails in fig. 3 (col. 9, lines 25-29). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Levy/Hesselink's media delivery system to include Dom's teaching of retrieving media objects from servers at multiple networks by selecting thumbnail images because users are provided with an interface that displays a visual listing of pictorial images that represent media objects, which facilitates finding, retrieving and downloading of desired media objects.

5. **Claims 16-20, 23 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Levy/Hesselink/Dom* and *Morris et al* (US 6,097,389).**

Claims 16, 23 and 36:

Levy/Hesselink/Dom does not teach a second group including selected thumbnail images from a first group including all the stored thumbnail images. However, Morris discloses a method and apparatus for providing a user interface for presenting a collection of digital media in a media container. Morris illustrates, in figs. 12B and 12F, two groups of thumbnails; the first group is in the thumbnail region 305 for displaying all the thumbnails 1265, and the second group is in the album page region 309 for displaying selected thumbnails 1261. Thus, it would

have been obvious to a person having ordinary skill in the art at the time of invention to modify Levy/Dom to include Morris's teaching of a first and second region for grouping thumbnails because they allow the user to create different collections of documents or media objects, which may be desirable in some cases.

Claims 17-19:

See claims 1 and 16. Levy teaches a play list (col. 3, lines 24-48; col. 10, lines 58-67; col. 17, lines 4-8). Morris teaches a first subgroup including a list of thumbnails (media objects) and a second subgroup including one or more thumbnails (figs. 12B and 12F).

Claim 20:

Levy discloses a microphone to record audio annotations (col. 14, lines 34-67; col. 15, lines 1-4). Morris teaches a text input area that enables users to enter information associated with the thumbnails (figs. 8A and 9; col. 10, lines 11-67; col. 11, lines 1-45).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Srinivasan discloses a system that provides for the downloading of multimedia files over a data network (abstract; p. 1, par. 0001, 0005-0009; p. 2, par. 0018, 0021; p. 3, par. 0025; p. 4, par. 0033, 0034; claim 1).


Johnson et al discloses a presentation system that utilizes network transmission characteristics for determining the presentation materials (real time audio presentations, and real time video presentations) presented at each client (col. 2, lines 18-29, 41-67; col. 3, lines 1-15; col. 4, lines 1-14; col. 5, lines 21-44; col. 7, lines 23-37). Adams discloses a system for access and delivery of multimedia objects; the system using two or more separate networks for multimedia delivery (abstract; p. 2, par. 0011-0014; p. 4, par. 0033). Berry discloses a system and method for delivering media content via computer networks (abstract; col. 1, lines 25-35; col. 4, lines 10-32; col. 8, lines 15-36, 47-64; col. 11, lines 12-27, 39-55).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X. L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Tuesday-Friday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



X. L. Bautista
Primary Examiner
Art Unit 2179

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December 17, 2006